



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

January 31, 2011

Mr. John Witmer, Community Planner
Federal Transit Administration, Region 10
915-2nd Avenue, Suite 3142
Seattle, Washington 98174

Ms. Jamie Snook
Metro
600 NE Grand Avenue
Portland, Oregon 97232

Re: Lake Oswego to Portland Transit Project
EPA Region 10 Project Number 08-046-FTA

Dear Mr. Witmer and Ms. Snook:

The U.S. Environmental Protection Agency (EPA) has reviewed the Lake Oswego to Portland Transit Project Draft Environmental Impact Statement (DEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for this opportunity to participate.

The DEIS presents a No Action Alternative and two action alternatives for improving transit service between Lake Oswego and Portland: an Enhanced Bus Alternative, and a Streetcar Alternative, which includes three design options in Segment 3, two design options in Segment 5, and two design options in Segment 6. No preferred alternative is identified.

Because no preferred alternative has been identified, the Draft EIS does not provide as much information as is generally needed in some subject areas to sufficiently disclose and mitigate potential project impacts. We find this to be the case with respect to the analyses for aquatic resources, environmental justice/elderly and disabled populations, and air toxics construction impacts. For this reason, we are rating the DEIS as EC-2, Environmental Concerns, Insufficient Information. An explanation of this rating is contained in the enclosed description of EPA's rating system for NEPA Environmental Impact Statements.

We support the project purpose to provide enhanced transit in the project corridor. Ultimately the decisions regarding selection of an alternative and potentially of design options will be locally based. We encourage that the selected alternative be designed to achieve maximum benefits to the environment and to the local community, particularly the neighborhoods most affected by project impacts. We offer the following comments with these priorities in mind.

Aquatic Resources

Least environmentally damaging practicable alternative (LEDPA). Based solely on the potential aquatic resources impacts of the two action alternatives, it seems likely that the Enhanced Bus Alternative would be considered the Least Environmentally Damaging Practicable Alternative (LEDPA). However, when all environmental and transportation impacts, benefits, and outcomes for the Streetcar Alternative are compared to the Enhanced Bus Alternative (Table S-2), it appears that the Streetcar Alternative may be environmentally preferred overall. If further analysis considers compensatory mitigation that would provide benefits/enhancements to low value or degraded aquatic resources, and if continued discussions with resource agencies during the permitting/consultation process support that analysis, it is possible that the Streetcar Alternative could be considered the LEDPA.

Among the design options for the Streetcar Alternative, it appears that the environmentally preferred options would be the Willamette Shore Line option in Segment 3, and the UPRR Right of Way option in Segment 6 based primarily on their smaller areas of impervious surface. In Segment 5, Riverwood Road Design option would avoid impacts to 2.7 acres of floodplain but would result in more impervious surface (2+ acres) than the Willamette Shore Line option. Site visits and consultation with resource agencies are likely needed to clarify an environmentally preferred alternative in Segment 5.

Recommendation: In addition to avoiding and minimizing impacts, when identifying a preferred alternative, work closely with resource agencies to explore possible solutions that would maximize overall environmental benefits of the proposed project, including but not limited to those for aquatic and other ecological resources.

Hydrology, water quality, floodplain. The discussion of potential mitigation measures for impacts to hydrology, water quality, and floodplains (p. 3-154) states that local, state, and federal requirements and design guidelines for stormwater treatment and volume would be implemented. There is also mention of Low Impact Development (LID) techniques, minimization of impervious surfaces, and removal of existing structures in the floodplain as possible mitigation measures, but there is no indication of intent to adopt these measures. We understand that this is likely due to the fact that a preferred alternative has not yet been identified. Once this decision is made, mitigation methods mentioned that we would particularly encourage be pursued include Low Impact Development (LID) techniques, removal of existing structures in the floodplain, and incorporating floodplain cuts with projects that improve water quality and improve wildlife habitat, such as revegetating degraded riparian areas. There are a wide variety of LID techniques that could be incorporated, which would provide urban interest and beauty as well as natural function, such as, rain gardens, pervious pavement, ecoroofs, and pocket parks.

Recommendation: In consultation with resource agencies, fully explore the above mitigation concepts and include any feasible measures as commitments in the Final EIS.

Environmental Justice, Elderly, and Disabled Populations

We commend FTA and Metro for including analysis and discussion of potential project impacts to elderly and disabled populations as well as low income and minority populations. This acknowledgement is appropriate and necessary for the proposed project, and we encourage that it be continued in future NEPA analyses. In compliance with E.O. 13045, children should also be included among the vulnerable population segments that are given special attention in this and other NEPA analyses.

Recommendation: Include analysis of potential environmental health and safety impacts to children from the proposed project, and include mitigation to address the impacts.

Construction impacts. We are pleased to note that mitigation for construction impacts would be provided for persons with disabilities (p. 3-221), but the DEIS provides no information describing what would be provided. Children, especially those walking to and from schools, and the elderly are also of concern and may require special provisions to ensure their health and safety during project construction.

Recommendation: Include more information in the Final EIS regarding mitigation measures during construction to ensure public safety and security for children, the elderly, and the disabled.

Transit access. We believe the impacts associated with reduced access to transit in project Segments 3, 4, 5, and 6 should receive more attention in the EIS. From a project planning and design perspective, having fewer transit stops improves travel time while riding transit, but does not necessarily reduce overall trip time for people who must travel further to reach a transit stop. The neighborhoods and populations within the project area would experience the project-related construction and operation impacts while, depending on the distance to their nearest transit access point, they would potentially experience reduced project benefits.

The reduced transit access impacts would potentially be more severe for the elderly, disabled, and possibly children, than for less vulnerable populations. While the DEIS acknowledges the added time and difficulty required for the elderly and disabled to reach transit stops (p. 3-242), there is no discussion of mitigation for these effects. The DEIS provides no information about whether or not the public participation process has produced comment on these issues, and if so, what is being done to address them in project planning and design.

Recommendation: In the Final EIS, provide more analysis regarding the effects of reduced access to transit due to elimination of transit stops. Include public comments on this subject, and describe the geographic extent and demography of most affected neighborhoods/residents with respect to elderly, disabled, and children. Consider providing mitigation where needed, including potential addition of transit stops to the preferred alternative and/or other means, to ensure that vulnerable residents have suitable access to transit.

Neighborhood mobility. The DEIS states (p. 3-45) that new bicycle and pedestrian facilities would be provided in Segments 4, 5, and 6. It may be that these facilities already exist in Segment 3, but it would be helpful to indicate why new bike/pedestrian facilities would not be provided in Segment 3, which has the highest concentration of low income residents.

Recommendation: If it is not already mentioned in the DEIS, describe the existing non-motorized transportation facilities within Segment 3. If no bicycle/pedestrian facilities exist, consider including them as part of the proposed project.

Outreach. The DEIS provides good information about public outreach methods, including those for low income, and elderly populations (p. 7-5), but does not indicate to what extent project sponsors believe they were successful in reaching vulnerable/disadvantaged populations. The EIS should disclose what was heard from the public on transit access, neighborhood mobility, project benefits, impacts, and other topics, and in keeping with directives of the Executive Orders, should highlight what was heard from the most vulnerable population segments, including the low income, minority, elderly, and disabled members, as well as spokespersons for children, and report on how the comments are being incorporated into the proposed project. It would also be useful to share any lessons learned for improving current and future outreach efforts.

Recommendation: Provide the needed analysis, disclosure, and response as discussed above.

Air Quality during Construction

The DEIS states (p. 3-217) that the Final EIS will describe the project commitments for mitigation during construction and these will depend on the selection of the preferred alternative. We appreciate the general range of mitigation measures included on page 3-218, particularly those that would serve to minimize traffic and construction related vehicle and equipment emissions. To supplement the listed measures, we would refer you to the project scoping comments on air toxics we submitted on 7/18/08, which includes two lists of potential construction mitigation measures to reduce air toxics emissions during construction. In addition, we recommend you visit the Clean Construction USA website at <http://www.epa.gov/otaq/diesel/construction/>. At this website are examples of construction mitigation measures not included in the Draft EIS. The website also includes case studies and examples of institutional arrangements for implementing this mitigation.

Recommendation: Augment the construction mitigation measures listed in the Draft EIS to include additional mitigation measures listed in the EPA project scoping letter and/or on this website, and commit to their implementation.

Thank you for the opportunity to offer comment for the Lake Oswego Transit Project. If you have questions or would like to discuss these comments, please feel free to contact Elaine Somers of my staff at (206)553-2966 or by electronic mail at somers.elaine@epa.gov.

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott". The signature is fluid and cursive, with the first name "Christine" and last name "Reichgott" clearly legible.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.